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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DANT Examiner: UNKNOWN
Serial No.: 10/663,212 Group Art Unit: 3731
Filed: SEPTEMBER 15, 2003 Docket: 6683.70USU1
Confirmation No.: 2345
Title: APPARATUS AND METHOD FOR SPINAL DISTRACTION USING A FLIP-UP PORTAL

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

By: Kristin A. Wack
Name: Kristin A. Wack

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

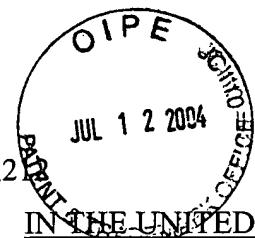
- Transmittal Sheet in duplicate containing Certificate of Mailing
- Supplemental Information Disclosure Statement, Form 1449, Copy of European Search Report
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: David G. Schmaltz
Name: David G. Schmaltz
Reg. No.: 39,828
DSchmaltz:PLSkaw

S/N 10/663,212



PATENT

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By: Kristine A. Wach
Name: Kristine A. Wach

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the European Search Report. Applicant notes U.S. Patent No. 6,224,599 B1 also listed in the search report was previously cited to or by the Examiner. At least some of the references were recently cited in a European Search Report mailed June 3, 2004.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

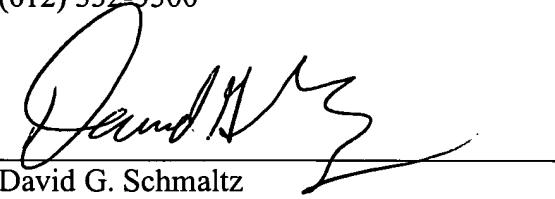
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 7/01/04



David G. Schmaltz
Reg. No. 39,828
DGS:PLSkaw

Date Mailed: JULY 8, 2004

Sheet 1 of 1

FORM 1449*  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number:	Application Number:
	6683.70USU1	10/663,212
	Applicant: DANT	
	Filing Date: 09/15/2003	Group Art Unit: 3731

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

23552

PATENT TRADEMARK OFFICE

EXAMINER _____ **DATE CONSIDERED** _____
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.